IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2480 OF 2007.

Shripad Eknath Garge and others. ... Petitioners.

Versus.

Vasant ambadas Garge and others. ... Respondents.

Shri P.B.Shah for the Petitioners.

Shri Rohit V.Pawaskar for the Respondent No.1.

Shri Rahul D.Katkari for the Respondents Nos.2 to 5.

Ms.Mhaispurkar, A.G.P. for Respondent No.6.

CORAM : ABHAY S.OKA, J.

DATED : 20th April, 2007.

P.C.:

1. I have herd the submissions of the learned Counsel appearing for the parties. The challenge in this petition is to the orders passed by the authorities under the Maharashtra Land Revenue Code, 1966 as regards the entries in the City Survey record. The learned Counsel for the Petitioners has invited my attention to the various documents on record. He has taken me through the impugned orders.

2. After having heard the Advocates appearing for the parties, I find that no case is made out for interference in this petition under Article 227 of the Constitution of India. It is obvious that the authorities under the Maharashtra Land Revenue Code, 1966 cannot decide the contentious issues as to whether the suit properties were the joint family properties and

whether the partition was effected. These are the issues which are to be decided by a competent Civil Court. As and when the said issues are decided by the competent Civil Court, it is obvious that the authorities under the said Code will have to give the effect to the decision of the Civil Court by amending the entires in the City Survey records. Subject to what is stated above, the writ petition is rejected.

Judge.